

रजिस्टर्ड नं० ल०-33/एस० एम० 14/91.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, 7 मई, 1991/17 बंशाब्द, 1913

हिमाचल प्रदेश सरकार

आबकारी तथा कराधान विभाग

अधिसूचना

शिमला-171003, 30 मार्च, 1991

संख्या 7-38/90-ई० एक्स० एन०-5036.—प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश के समाविष्ट क्षेत्रों में तथा पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए क्षेत्रों में यथा प्रवृत्त पंजाब आबकारी अधिनियम, 1914 (1914 का पंजाब अधिनियम संख्या 1) की धारा 59 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए तथा इसके साथ पठित उक्त अधिनियम की धारा 9 के अधीन हिमाचल प्रदेश (एक्साइज पावर्न एण्ड अपील) आर्डरज, 1965 द्वारा निहित वित्तायुक्त की शक्तियों का प्रयोग करते हुए मैं, पी० सी० डोगरा, आबकारी एवं कराधान आयुक्त, हिमाचल प्रदेश

एतद्वारा हिमाचल प्रदेश लीकर लाईसेंस रूलज, 1986 (जिन्हें यहां इसके पश्चात् उक्त नियम कह कर सम्बोधित किया गया है) में प्रथम अप्रैल, 1991 से निम्नलिखित और संशोधन करता हूँ :—

संशोधन

1. In the said rules, in rule 1,—

- (i) in the part "II-Country Spirit," after the entry "L.13" but before the entry "L.14", the new entry "L.13-A" shall be inserted with the following description in column 1, 2, 3, 4 and 5 of the same :—

"L.13-A	License for storage and transfer of Country spirit by "L.14 or "L.14-A" licensee to own vends.	Fixed fee	Collector	Not renewable";
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and

- (ii) in the para, occurring at the end, after the letter, signs and figure "L.13," but before the letter, signs and figure "L.15," the words, signs and figure "L.13-A", shall be inserted.

2. The sign "." occurring at the end of rule 15 of the said rules shall be substituted by the sign ";" and thereafter the following proviso shall be added, namely:—

"Provided that all the conditions regarding holding of licence in form L.13 in conjunction with the other licences or *vice versa* shall *mutatis mutandis* apply to the licensee in form L.13-A."

3. In rule 16 of the said rules after the word and sign "distillery," the words and sign "bonded warehouse", shall be inserted.

4. In sub-rule (i), (ii), (iii), (vii) and (viii) of rule 22 of the said rules, for the letter, sign and figure "L.14", the letters, signs, figures and word "L.14 or L.14-A" shall be substituted.

5. In the said rules, after rule 22, the following new rule 22-A shall be inserted, namely :—

"(22-A) (i) License in Form L.13-A for storage and transfer of Country Liquor may be granted, at fixed annual license fee, to the holder of a licence in form L.14 or L.14-A in a district; and

(ii) The conditions (i), (iii), (iv), (v), (vi), (vii) and (xii) envisaged in rule 22 for licence form L.13 shall apply *mutatis mutandis*."

6. In rule 27 of the said rules, in sub-rules (a) and (b), after the letter, signs and figure "L.13" the letter signs and figure "L.13-A" shall be inserted.

7. In rule 30 of the said rules, for the existing first proviso, the following proviso shall be substituted, namely:—

"Provided that all licensees, except in form L.9 and L.17, shall obtain their supplies from the L.2 licensees in respective locality approved by the Collector of the Zone concerned for this purpose and in that case these licensees shall not be required to pay the assessed fee prescribed. In the event of failure by the L.2 licensees, either to make timely supply or to supply the desired brands of Foreign Liquor, the L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.12-A, L.12-B or L.12-C licensees may be allowed, by the Collector, the supplies of such liquor from any of the L.1 licenses in the respective district subject to the condition of payment of assessed fee enhanced by 50% of rates specified in SCHEDULE 'B' appended to these rules."

8. In clause (a) of sub-rule (11) of rule 37 of the said rules, after the letter, signs and figure "L.13," the letter signs and figure "L.13-A", shall be inserted.

9. For the words and signs "The licensees for the sale of bottled Indian mdae foreign liquor and country spirit liquor in bottles of the following sizes only :—", occurring in clause (f) of sub-rule (31) of rule 37 of the said rules, the following shall be substituted, namely :—

"Except when the Financial Commissioner, by order, permits such licensees to sell Foreign Liquor in bottles of capacity of 1000 millilitres, the licensees for the sale of bottled Indian made foreign liquor and country spirit liquor in bottles of the following sizes only :—".

10. In clause (d) of sub-rule (11-A) of rule 38 of the said rules :—

after the word and sign "month", "but before the word "duly" the words, sign and figure "that is to say, 2 days in the first week and one day in the 2nd or 3rd week" shall be deleted.

11. After sub-rule (20) of the said rules the following new sub-rule (20-A) shall be inserted, namely :—

"(20-A). A license in form L. 13-A for the storage and transfer of Country Liquor by an L. 14 or L. 14-A licensee to his own vends.—

(a) The licensee shall store country liquor for transfer of such liquor to the L. 14 or L. 14-A vends held by him within a district, subject to the directions issued by the Excise Commissioner from time to time. The licensee may obtain supplies of country liquor from the sources so authorised by the Excise Commissioner from time to time.

(b) The licensee shall obtain his spirit for the storage and transfer to his own retail vends for sale only at a strength of 50 degree proof except that 10 per cent of the annual quota of country liquor will be permitted as special spiced country liquor of 60 degree proof subject to demand.

(c) The licensee shall keep an adequate stock of all brands of country liquor in quarts, pints and nips of standard sizes viz. 750 Mls., 375 Mls. and 180 Mls., to meet atleast one month's requirement of his own retail vends.

(d) The licensee shall not alter or compound spirit, and that he shall not introduce into his licensed premises or use or keep any rectified spirit.

(e) The licensee shall not store country spirit in bottles bearing such figures, words or marks as are reasonably calculated to lead any one to believe that such spirit is other than country spirit.

(f) The licensee shall store country liquor of the kinds authorised by the Excise Commissioner for transfer to his own L. 14 or L. 14-A vends for sale.

(g) On making any transfer under his license the licensee shall apply to the Collector or other Officer empowered in that behalf to prepare a pass in the prescribed form to cover the transport of the spirit to its place of destination and shall not transfer/despatch any spirit till a pass covering such transport has been duly issued."

12. In clause (e) of rule 39 of the said rules, for the letter, sign and figures "L. 13", the letters, signs, word and figures "L. 13 and L. 13-A" shall be substituted.

P. C. DOGRA,
Excise and Taxation Commissioner.

[Authoritative English text of the Excise and Taxation Department Himachal Pradesh Notification No. 7-38/90-EXN-5036, dated 30th March, 1991 as required under clause (3) of Article 348 of the Constitution of India].

EXCISE AND TAXATION DEPARTMENT NOTIFICATION

Shimla-171003, 30th March, 1991

No 7-38/90-EXN-5036.—In exercise of the powers conferred by section 59 of the Punjab

Excise Act, 1914 (1 of 1914), as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1956 and the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) and by virtue of the powers of the Financial Commissioner, conferred on me under section 9 of the said Act, read with the Himachal Pradesh (Excise Powers and Appeal) Orders, 1965, I, P.C. Dogra, Excise and Taxation Commissioner, Himachal Pradesh, hereby order the following further amendments in the Himachal Pradesh Liquor License Rules, 1986 (hereinafter referred to as the said rules) with effect from 1st April, 1991:—

AMENDMENTS

1. In the said rules, in rule 1,—

(i) in the part “II-Country Spirit”, after the entry “L. 13” but before the entry “L. 14”, the new entry “L.13-A” shall be inserted with the following description in column 1, 2, 3, 4 and 5 of the same :—

“L-13-A	License for storage and transfer of Country Spirit by L. 14 or L. 14-A licensee to his own vends.	Fixed fee	Collector	Not renewable;
	and			

(ii) in the para, occurring at the end, after the letter, signs and figure “L. 13,” but before the letter, signs and figure “L.15,” the words, signs and figure “L.13-A,” shall be inserted.

2. The sign “.” occurring at the end of rule 15 of the said rules shall be substituted by the sign “;” and thereafter the following proviso shall be added, namely:—

“Provided that all the conditions regarding holding of licence in form L. 13 in conjunction with the other licences or *vice versa* shall *mutatis mutandis* apply to the licence in form L.13-A.”

3. In rule 16 of the said rules after the word and sign “distillery,” the words and sign “bonded warehouse”, shall be inserted.

4. In sub-rule (i), (ii), (iii), (vii) and (viii) of rule 22 of the said rules, for the letter, sign and figure “L. 14”, the letters, signs, figures and word “L. 14 or L. 14-A” shall be substituted.

5. In the said rules, after rule 22, the following new rule 22-A shall be inserted, namely :—

“(22-A) (i) License in Form L. 13-A for storage and transfer of Country Liquor may be granted, at fixed annual license fee, to the holder of a licence in form L. 14 or L. 14-A in a district; and

(ii) The conditions (i), (iii), (iv), (v), (vi), (vii) and (xii) envisaged in rule 22 for licence form L. 13 shall apply *mutatis mutandis*.”

6. In rule 27 of the said rules, in sub-rules (a) and (b), after the letter, signs and figure “L.13,” the letter signs and figure “L.13-A” shall be inserted.

7. In rule 30 of the said rules, for the existing first proviso, the following proviso shall be substituted, namely :—

“Provided that all licensees, except in form L.9 and L.17, shall obtain their supplies from the L.2 licensees in respective locality approved by the Collector of the Zone concerned for this purpose and in that case these licensees shall not be required to pay the assessed fee prescribed. In the event of failure by the L. 2 licensees, either to make timely supply or to supply the desired brands of Foreign Liquor, the L.3, L.4, L.5, L.3-A, L.4-A, L.5-A, L.12-A, L.12-B,

or L.12-C licensees may be allowed, by the Collector, the supplies of such liquor from any of the L.1 licenses in the respective district subject to the condition of payment of assessed fee enhanced by 50% of rates specified in SCHEDULE 'B' appended to these rules."

8. In clause (a) of sub-rule (11) of rule 37 of the said rules, after the letter, signs and figure "L.13," the letter signs and figure "L.13-A", shall be inserted.

9. For the words and signs "The licensees for the sale of bottled Indian made foreign liquor and country spirit liquor in bottles of the following sizes only :—", occurring in clause (i) of sub-rule (31) of rule 37 of the said rules, the following shall be substituted, namely :—

"Except when the Financial Commissioner, by order, permits such licensees to sell Foreign Liquor in bottles of capacity of 1000 millilitres, the licensees for the sale of bottled Indian made foreign liquor and country spirit liquor in bottles of the following sizes only :—".

10. In clause (d) of sub-rule (11-A) of rule 38 of the said rules:—

after the word and sign, "month" but before the word "duly" the words, sign and figures that is to say, 2 days in the first week and one day in the 2nd or 3rd week" shall be deleted.

11. After sub-rule (20) of the said rules the following new sub-rule (20-A) shall be inserted, namely :—

"(20-A). A license in form L.13-A for the storage and transfer of Country Liquor by an L.14 or L.14-A licensee to his own vends :—

(a) The licensee shall store country liquor for transfer of such liquor to the L.14 or L.14-A vends held by him within a district, subject to the directions issued by the Excise Commissioner from time to time. The licensee may obtain supplies of country liquor from the sources so authorised by the Excise Commissioner from time to time.

(b) The licensee shall obtain his spirit for the storage and transfer to his own retail vends for sale only at a strength of 50 degree proof except that 10 per cent of the annual quota of country liquor will be permitted as special spiced country liquor of 60 degree proof subject to demand.

(c) The licensee shall keep an adequate stock of all brands of country liquor in quarts, pints and nips of standard sizes viz. 750 Mls., 375 Mls. and 180 Mls., to meet atleast one month's requirement of his own retail vends.

(d) The licensee shall not alter or compound spirit, and that he shall not introduce into his licensed premises or use or keep any rectified spirit.

(e) The licensee shall not store country spirit in bottles bearing such figures, words or marks as are reasonably calculated to lead any one to believe that such spirit is other than country spirit.

(f) The licensee shall store country liquor of the kinds authorised by the Excise Commissioner for transfer to his own L.14 or L.14-A vends for sale.

(g) On making any transfer under his license the licensee shall apply to the Collector or other Officer empowered in that behalf to prepare a pass in the prescribed form to cover the transport of the spirit to its place of destination and shall not transfer/despatch any spirit till a pass covering such transport has been duly issued."

12. In clause (e) of rule 39 of the said rules, for the letter, sign and figure "L.13", the letters, signs, word and figures "L.13 and L.13-A" shall be substituted.

